

REMARKS

I. Status

The Office Action indicates claims 1-23, 48-70, 95, and 96 to be pending in this Application. With this response, claims 1, 17, 48, 64, 95, and 96 are amended. No new matter has been added.

Claims 17 and 64 are rejected under 35 U.S.C. 112, first paragraph.

Claim 96 is rejected under 35 U.S.C. 112, second paragraph.

Claim 95 is rejected under 35 U.S.C. 101.

Claims 1-3, 6-16, 19-22, 48-50, 53-63, 66-69, 95, and 96 are rejected under 35 U.S.C. 102(b) as being anticipated by Robertson (U.S. Patent No. 6,269,369).

Claims 17, 23, 64, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Tsou (U.S. Application No. 2002/0184089).

Claims 18 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Young (U.S. Patent No. 7,024,690).

Claims 4 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Bieganski (U.S. Patent No. 6,412,012).

Claims 5 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Spooner (U.S. Application No. 2005/0034099).

Claims 1, 48, 95, and 96 are independent.

II. Rejections under 35 U.S.C. 112

The Office Action rejects claims 17 and 64 under 35 U.S.C. 112, first paragraph, the Office Action stating that:

“... since the applicant states that IEEE 802.15.1 corresponds to Bluetooth, for which there is support in the specification, the examiner respectfully suggests amending the claims to use the language that is clearly supported” (see Office Action p. 14).

With this response, Applicants amend claims 17 and 64 in accordance with the Office Action’s suggestion.

Turning to the Office Action’s rejection of claim 96 under 35 U.S.C. 112, second paragraph, Applicants note that with this response claim 96 is amended. No new matter has been added. Applicants respectfully submit that claim 96, at least as amended herewith, is in compliance with 35 U.S.C. 112, second paragraph.

In view of at least the foregoing, Applicants respectfully request that the rejections under 35 U.S.C. 112 be withdrawn.

III. Rejection under 35 U.S.C. 101

The Office Action, contending that claim 95 corresponds to “embodiments that consist purely of software,” rejects claim 95 under 35 U.S.C. 101 as being “directed to non-statutory subject matter.” The Office Action states that:

“[t]his assertion is evidenced by claim 48, which recites, in part, a system comprising program code, wherein the program code causes the processor to perform the limitations claimed in claim 95” (see Office Action p. 4).

However, Applicants respectfully submit, for instance, that the mere setting forth by claim 48 of “program code [that] causes the processor to perform the limitations claimed in claim 95,” even if taken to be true for the sake of argument, would not be indication that claim 95 does not correspond to statutory subject matter.

In view of at least the foregoing, Applicants respectfully request that the rejection be withdrawn.

IV. Amendment of Independent Claims 1, 48, 95, and 96

With this response, independent claims 1, 48, 95, and 96 are amended. No new matter has been added.

Applicants respectfully submit that the cited references, taken individually or in combination, fail, for example, to disclose, teach, or suggest:

“... determining, at the first hand-held device, a match
between the data received at the first hand-held device and
data held by a second hand-held device within a short-range
communication range of the first hand-held device; [and]

creating a log entry in accordance with the match ...”

as set forth in each of claims 1 and 48 as amended herewith (emphasis added), and as similarly set forth in claim 95 as amended herewith.

As another example, the cited references, taken individually or in combination, fail to disclose, teach, or suggest:

“... determining, at the hand-held device, a match between
received data and data held by a hand-held device within a
short-range communication range ...; [and]

creating a log entry in accordance with the match ...”

as set forth in claim 96 as amended herewith (emphasis added).

The Office Action, stating that “Appendix I clearly describes a matching function that results in creating a list,” contends that Robertson teaches a matching function via Appendices A and I.

Applicants note, for instance, that column 7 line 20 - column 8 line 3 of Robertson discuss “server computer 330” of Robertson performing the operations of Appendices A and I.

Applicants further note, for instance, that cited column 15 lines 42 - 65 of Robertson fail, for example, to disclose, teach, or suggest that the operations of Appendices A and I may instead be performed by the “personal information managers (PIMs)” of Robertson, and instead merely discuss that rather than all “the user information [being] stored on the server 330,” “the alternative embodiment allows full synchronization of PIMs and the server database 340.”

Turning to Robertson’s discussion that “[a]ll database, personal contact management and linking operations already described are operable in the alternative embodiment,” Applicants believe it clear that mere discussion that “the alternative embodiment allow[ing] full synchronization of PIMs and the server database 340” is operable with server computer 330 performing the operations of Appendices A and I is not at all, for instance, disclosure, teaching, or suggestion that the PIMs of Robertson may perform the operations of Appendices A and I.

In view of at least the foregoing, Applicants respectfully submit that claims 1, 48, 95, and 96 at least with the amendments herewith, as well as those claims that depend therefrom, are in condition for allowance.

V.

Dependent Claims

Applicants do not believe it is necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

(Continued on next page)

CONCLUSION

Applicants respectfully submit that this application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4121US1.

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

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Dated: December 20, 2007

By:



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